

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No.1:24-CV-12417-PBS

KIMBERLY MACK,
Plaintiff,

v.

CITY OF BOSTON AND POLICE
OFFICERS ALEXANDRA MAY
AND KAILEY JACOBS

Defendants.

**DEFENDANT CITY OF BOSTON'S MOTION TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT**

Defendant, City of Boston (the “City”), submits this motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) to have this Honorable Court dismiss Plaintiff, Kimberly Mack’s (“Plaintiff”) amended complaint against it. Plaintiff’s amended complaint alleges a total of six (6) counts against Officer Alexandra May, Officer Kailey Jacobs, and the City. The three counts alleged against the City are negligent infliction of emotional distress (count 4); a failure to train or supervise in violation of Monell v. Dep’t of Soc. Servs., 436 U.S. 658, 694 (1978)) (count 5); and failure to train or supervise pursuant to M.G.L c. 258 § 2 (count 6). As grounds for the City’s motion to dismiss, Plaintiff’s amended complaint does not sufficiently plead any claims against it.

In support of its motion, the City submits this motion and the accompanying memorandum of law. For the foregoing reasons set forth here, and in the accompanying memorandum, the City respectfully requests that this Honorable Court allow its motion and dismiss the Plaintiff’s amended complaint in its entirety against the City.

Date: December 19, 2024

Respectfully submitted,

DEFENDANT, CITY OF BOSTON

By their attorneys:

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Corporation Counsel

/s/ Elizabeth Teebagy
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7.1 CERTIFICATION

I, Elizabeth Teebagy, certify that counsel for the parties have conferred and attempted in good faith to resolve or narrow these issues.

/s/ Elizabeth Teebagy
Elizabeth Teebagy

CERTIFICATE OF SERVICE

I, Elizabeth Teebagy, hereby certify that on December 19, 2024, a true and correct copy of this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants.

/s/ Elizabeth Teebagy
Elizabeth Teebagy